

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT #FCU-10-16
EVERGREEN HEALTH SPA
JANUARY 18, 2011

This is a report to the Flathead County Board of Adjustment regarding a request by Kent and Betty Heitmann for a conditional use permit to allow for the expansion of an existing non-conforming use on the subject property within the Evergreen Zoning District.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on February 1, 2011 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed amendment is not within the jurisdiction of any local land use advisory committee or local land use council.

B. Board of Adjustment

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on February 1, 2011 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Kent and Betty Heitmann
112 Sleepy Hollow Road
Kalispell, MT 59901

ii. Landowner(s)

Kent and Betty Heitmann
112 Sleepy Hollow Road
Kalispell, MT 59901

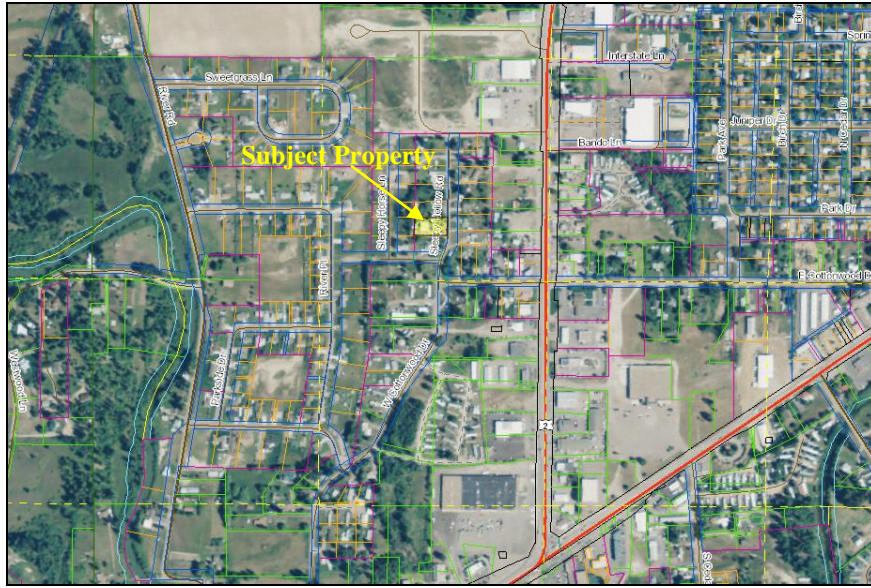
iii. Technical Assistance

None

B. Property Location and Size

The 0.5 acre subject property is located at 112 Sleepy Hollow Road, approximately 0.4 miles north-northwest of the intersection U.S. Highway 2 and Montana Highway 35 (see Figure 1 below). The property can be legally described as Lot 6, Block Two, Schuman and Anderson Subdivision in Section 4, Township 28 North, Range 21 West, P.M.M. in Flathead County Montana.

Figure 1: Subject property highlighted in yellow.



C. Existing Land Use(s) and Zoning

Located within the Evergreen Zoning District, the property is zoned ‘R-2 One Family Limited Residential’, a district described as “A *district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.*”

The subject property is currently developed with the ‘Evergreen Health Spa’, a health club/exercise facility with such amenities as a pool, hot tub, sauna, small weight room and changing facilities. Although health clubs/exercise facilities are not listed as a permitted or conditional use within R-2 zoning, operation of the facility pre-dates the adoption of the zoning district and the facility has the status of ‘non-conforming use’ per Section 2.07 of the Flathead County Zoning Regulations (FCZR. The facility has previously received a conditional use permit for a prior expansion (FCU-04-37).

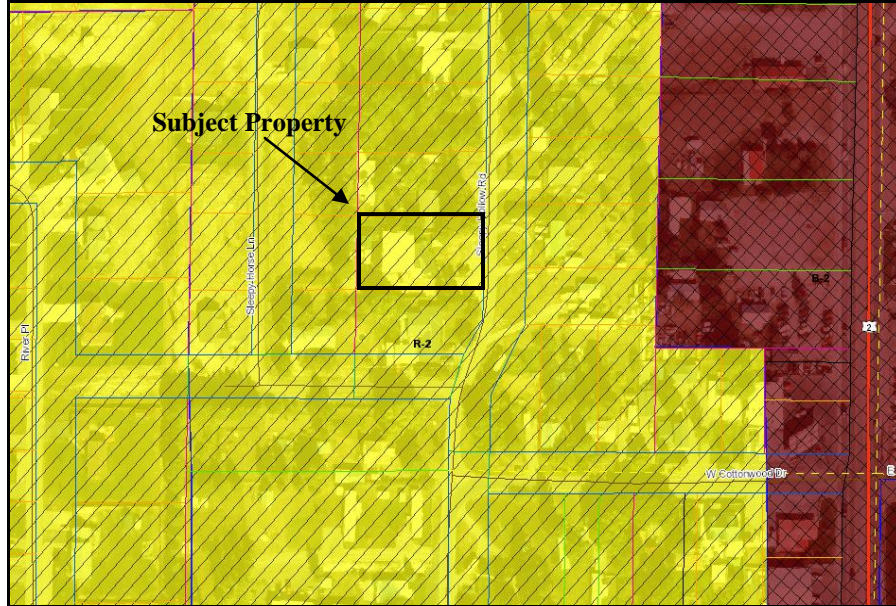
Figure 2:Existing use on the subject property highlighted in yellow



D. Adjacent Land Use(s) and Zoning

Adjacent properties and the general area immediately surrounding the subject property are developed for residential purposes and are zoned R-2 One Family limited Residential. An area zoned B-2 General Business along Highway 2 occurs approximately 160 feet east of the subject property, and is generally developed with business/commercial uses (see Figure 3 below).

Figure 3: Zoning surrounding the subject property.



E. Summary of Request

The applicants have requested a conditional use permit for the expansion of the existing non-conforming use on the subject property which is currently developed with the health club/exercise facility. As indicated on the submitted site plan, the south wall of the facility was apparently damaged by a vehicle collision. In conjunction with the repair of the facility, the owners intend to establish a new landing/entrance area and want to expand the structure by approximately 149 ft² to accommodate a new sauna area. No alteration to access and parking, water source, or sanitation infrastructure is proposed.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on January 7, 2011, pursuant to Section 2.06.040 (3) of the Zoning Regulations. Legal notice of the public hearing on this application will be published in the January 16, 2011 edition of the Daily Interlake.

G. Agency Referrals

Agency referrals were not requested due to the minimal scope of the proposed expansion and the lack of anticipated additional impacts on existing public infrastructure.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the proposal. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing, and any individual wishing to provide public comment may also do so during the public hearing scheduled for February 1, 2011.

B. Agency Comments

No agency comments were requested and none have been received to date regarding the proposal.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

Montana State Tax records indicate that the lot is 19,776 ft² in size. As R-2 zoning allows for 30% of a lot to be covered by structures, approximately 5,933ft² could be potentially covered by structures while the remaining area could be utilized for things such as access, parking and landscaping. The submitted site plan indicates the proposed expanded facility would cover approximately 4,500 ft² of lot area, and the expansion would not expand into the required 10 foot side setback area.

Finding #1 – The subject property has adequate useable space for the proposed expanded use because total lot coverage would not exceed that which is permitted under the applicable R-2 zoning and the expansion would comply with applicable setback requirements.

ii. Adequate access

The subject property is accessed from paved Sleepy Hollow Road, a dead-end road extending from West Cottonwood Drive, which directly accesses US Highway 2 in two locations. The existing gravel approach onto Sleepy Hollow Road is approximately 30 feet wide and internal vehicular access to parking areas appears to be non-demarcated. An approach permit has not been previously obtained from the Flathead County Road and Bridge Department.

While the expansion of the facility is not anticipated to result in an increase of ingress and egress on the established approach, it appears the non-demarcated parking has resulted in broad areas of the eastern property boundary being used to access the site (refer to figures 2 and 4). To ensure adequate and safe access is provided parking areas and internal access should be clearly demarcated as required by Sections 6.14.010 and 6.11.030(2) of the Flathead County Zoning Regulations (FCZR), and pursuant to Section 6.16.020(4) FCZR an approach

permit from the Flathead County Road and Bridge Department should be required to be obtained as condition of approval.

Finding #2 - The existing facility does not comply with applicable access requirements because an approach permit has not been obtained from the Flathead County Road and Bridge Department and on-site internal access to and within parking areas is not clearly demarcated as required by Sections 6.14.010 and 6.11.030(2) of the Flathead County Zoning Regulations.

Finding #3 - The site is suitable for the expanded non-conforming manufacturing facility use because the property has direct access onto paved Sleepy Hollow Road via an existing 30-foot wide approach which appears able to accommodate the vehicle traffic created as a result of the proposed expansion.

iii. Absence of environmental constraints

The subject property is a relatively flat and open parcel. According to FIRM Panel 1810G the site is not located in an 'special flood hazard area', and the site has no steep or unstable slopes, streams, lakes, areas of apparent shallow groundwater, or wetlands.

Finding #4- The site appears suitable for the proposal because there are no environmental constraints such as floodplain, streams, lakes, areas of apparent shallow groundwater, or wetlands on site or directly adjacent that would be adversely impacted or which would inhibit the proposed use.

B. Appropriateness of design

i. Parking scheme

The applicants have verbally confirmed to staff the facility currently uses both the 36-ft wide gravel driveway/parking area and portions of the front yard to accommodate necessary vehicular access and parking for patrons. The driveway/parking area is a dead-end feature which necessitates two-way traffic circulation, and neither individual parking spaces nor the driveway aisle appear clearly designated or demarcated in either of the parking lot areas.

Section 6.01.010 FCZR indicates a parking space for standard vehicles measures 9 X 20 feet and a parking space for compact vehicles measures 8 X 16 feet. Section 6.06.040 FCZR provides specific guidance on parking requirements for athletic clubs and the like, requiring one space per 400 ft² of gross floor area. Based on 4,500 ft² of gross floor area, a minimum of 11 parking spaces would be required to accommodate the use of the facility as a spa/athletic club in compliance with the applicable parking requirements. Section 6.01.030 FCZR addresses minimum parking lot requirements, referring to diagrams and tables contained in Appendix A, which indicates a functional relationship between parking angle, parking bank width, and aisle width.

As indicated on Figure 4, there appears to be ample onsite area to accommodate required parking for the spa facility while maintaining a 20-foot aisle width. As

Section 6.01.030 FCZR requires all parking spaces to be clearly designated and demarcated, the gravel parking lot areas and spaces should be equipped with concrete or wooden bumper guards/curbs to aid in the safe and efficient use of the parking areas.

Figure 4: Potential for compliant access and parking areas/spaces



Finding #5 – The existing parking design and its implementation does not comply with applicable parking requirements because an adequate number of parking spaces and the associated traffic aisles are not clearly designated and demarcated in compliance with the applicable parking and loading requirements of the zoning regulations.

Finding #6 – The site is suitable for the expanded non-conforming facility use because there is adequate space to provide the number and size of parking spaces which would comply with the applicable parking and loading requirements of the zoning regulations.

ii. Traffic circulation

Figure 4 indicates the areas of internal traffic circulation relative to parking areas. Traffic aisles for both parking areas would have at least 20-feet of width and appear able to be reasonably demarcated to provide adequate and safe traffic circulation in compliance with Section 6.01.030 FCZR.

Finding #7 – The site is suitable for the expanded non-conforming facility use because there is adequate space to provide for compliant traffic circulation which would efficiently serve facility functions while meeting applicable dimensional requirements set forth in the Flathead County Zoning Regulations.

iii. Open space

The 0.5 acre subject property complies with minimum lot size under the applicable R-2 zoning, and the proposed expansion would occupy a minimal portion of the property while existing areas of open space would be retained. Additionally, the proposed expansion would not expand into the required setback areas of the lot.

Finding #8 – The proposal appears acceptable in its design because the design allows for adequate open space which may serve as a buffer between neighboring uses and may be used to accommodate parking and landscaping.

iv. Fencing/screening

The subject property is generally surrounded by residential uses on adjacent properties and has limited fencing/screening already established. The eastern boundary of the property is currently unscreened with a worn gravel/dirt area approximately 60 feet in width appearing to serve as an ad-hoc approach onto Sleepy Hollow Road. Requiring this non-designated/demarcated area to be sensibly fenced /screened would minimize visual impacts of the facility on adjacent properties, promote safety through encouraging compliant access and parking, and would ensure compliance with Section 6.14.020 FCZR which states “One access shall be allowed per lot as they exist on the effective date of these regulations....”.

Finding #9 – Lack of fencing/screening along the eastern property boundary contributes impacts to safety and non-compliance with applicable access requirements because the boundary is currently used as a non-compliant un-controlled and non-demarcated 60-foot wide dirt/gravel approach onto paved Sleepy Hollow Drive. This issue may be adequately addressed through the imposition of a condition requiring fencing/screening or landscaping along a portion of the eastern property boundary to clearly establish and demarcate compliant access for the facility.

v. Landscaping

Figures 2 and 4 indicate the north, west, and south perimeters of the subject property are landscaped with a variety of trees and the eastern front of the facility has a heavily worn lawn and parking area. It is recommended the eastern front access/parking area be clearly demarcated and improved with dust-free gravel, and a 5-foot wide landscape buffer be established along the eastern property boundary instead of or in conjunction with fencing/screening to promote safety and compliant access.

Finding #10 – Existing landscaping along the north, west, and south perimeters of the subject property creates a modest buffer between the commercial business and adjacent residential uses. While current lack of landscaping along the eastern property boundary contributes visual impacts to adjacent residential uses, establishing a landscaped buffer along that boundary would improve the appearance of the facility and would promote safety and compliant vehicular access to the facility.

vi. Signage

The facility currently has an onsite sign and the application indicates no changes are proposed. Necessary measures required to provide compliant access/parking may necessitate slight adjustment/re-location of the sign which is required to meet all applicable standards and guidelines pursuant to FCZR Section 5.11.

Finding #11 – There will be limited visual impacts resulting from signage on the proposed facility because the proposed signage will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations.

vii. Lighting

The application indicates no changes to lighting are proposed. Exterior lighting shall comply with performance standards set forth in FCZR Section 5.12.

Finding #12 – There will be limited visual impacts resulting from lighting of the proposed facility because the lighting will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations.

C. Availability of Public Services and Facilities

i. Sewer

The facility is currently connected to the public sewer services of the Evergreen Water and Sewer District. Upon a 1/7/11 telephone inquiry, district personnel indicated there are no concerns regarding management of sewage/wastewater from the facility on the subject property.

Finding #13 – Impacts to public services and facilities will be minimal because the facility is connected to the sewer services of the Evergreen Water and Sewer District, which has verbally indicated no concerns or outstanding issues regarding the facility.

ii. Water

The facility is currently connected to the public water services of the Evergreen Water and Sewer District. Upon a 1/7/11 telephone inquiry, district personnel indicated there are no concerns regarding water supply for the facility on the subject property.

Finding #14 – Impacts to public services and facilities will be minimal because the facility is connected to the water services of the Evergreen Water and Sewer District, which has verbally indicated no concerns or outstanding issues regarding water supply for the facility.

iii. Storm Water Drainage

No public stormwater facilities are available to serve the facility. The proposal would introduce approximately 150 ft² of additional impervious surface area to the subject property due to the expanded facility structure. Stormwater runoff from impervious surfaces is anticipated to be managed by absorption into the pervious surfaces of landscaped areas and the gravel access/parking areas.

Finding #15 – Stormwater drainage appears adequately addressed because runoff resulting from the expanded facility is not anticipated to impact adjacent properties and roads as it will be managed through onsite absorption within vegetated areas and the non-paved parking/access areas.

iv. Fire Protection

The subject property is located within the Evergreen Fire District, with a district fire station located approximately 3/4 miles distant on U.S. Highway 2.

v. Police Protection

The subject property is served by the Flathead County Sheriff's Department. Relatively quick response times would be anticipated given the property's proximity to a major highway the urbanized area of Kalispell.

vi. Streets

The subject property has direct access onto Sleepy Hollow Road, a 24 foot wide paved public road. Regular operation of the expanded facility is not anticipated to impact Sleepy Hollow Road as the expansion will not result in an increase of vehicle trips to the location and the access will be required to be compliant with applicable requirements.

Finding #16 - Public services and facilities are adequate to serve the proposed expanded use because the subject property is in an area of the county served by the Evergreen Fire District and the Flathead County Sheriff, and has direct access onto Sleepy Hollow Road, a paved public road adequate to serve the traffic generated by the proposed expanded use.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The application indicates the current membership is not anticipated to change as a result of the improvements to the facility and the proposed expansion does not trigger additional parking requirements. It is therefore assumed operation of the expanded spa facility will not generate excessive traffic which would adversely impact neighborhood streets and intersections.

Finding #17 – There will be minimal impacts to the surrounding neighborhood as a result of the proposed facility expansion because membership and use of the spa facility is not anticipated to increase and the facility will not regularly generate excessive amounts of vehicle traffic.

ii. Noise or vibration

No excessive noise or vibration will result from regular operation of the expanded spa facility.

Finding #18 – The proposed expanded use is not anticipated to generate noise or vibration which would adversely impact the immediate neighborhood because the types of use occurring within the spa/exercise facility do not typically generate sound or vibration which is audible outside of the facility.

iii. Dust, glare or heat

Expansion of the facility is not anticipated to produce excessive amounts of dust as it will not increase traffic on-site, dirt surfaces of certain parking and access features will be improved with gravel which generates less dust than dirt. Expansion of the facility is not anticipated to produce glare or heat because the facility is not constructed of shiny materials and does not generate unusual heat as a by-product of its operation.

Finding #19 – The proposed expanded use is not anticipated to generate dust, glare, or heat which would adversely impact the immediate neighborhood because existing dirt parking surfaces would be improved with gravel, proposed structural materials won't create abnormal glare, and the pool and exercise equipment used at the facility does not generate substantial heat.

iv. Smoke, fumes, gas, or odors

The application indicates the facility doesn't produce smoke, fumes, gas or odors.

Finding #20 – Adverse neighborhood impacts due to smoke, fumes, gas or odors are not anticipated as a result of the proposed use because normal operation of the facility doesn't produce smoke, fumes, gas or odors.

v. Inappropriate hours of operation

As indicated in submitted application materials, business hours for the facility are typical daytime hours only, assumed to be from approximately 7:00 am to 6:00 pm.

Finding #21 - Continuance of the regular hours of operation is acceptable and would have minimal impact on the surrounding neighborhood because the operation hours are typical of daytime business operating hours and adjacent residences would not be disturbed by sounds and lights of evening vehicular traffic associated with operations of the facility.

V. SUMMARY OF FINDINGS

1. The subject property has adequate useable space for the proposed expanded use because total lot coverage would not exceed that which is permitted under the applicable R-2 zoning and the expansion would comply with applicable setback requirements.
2. The existing facility does not comply with applicable access requirements because an approach permit has not been obtained from the Flathead County Road and Bridge Department and on-site internal access to and within parking areas is not clearly demarcated as required by Sections 6.14.010 and 6.11.030(2) of the Flathead County Zoning Regulations.
3. The site is suitable for the expanded non-conforming manufacturing facility use because the property has direct access onto paved Sleepy Hollow Road via an existing 30-foot wide approach which appears able to accommodate the vehicle traffic created as a result of the proposed expansion.

4. The site appears suitable for the proposal because there are no environmental constraints such as floodplain, streams, lakes, areas of apparent shallow groundwater, or wetlands on site or directly adjacent that would be adversely impacted or which would inhibit the proposed use.
5. The existing parking design and its implementation does not comply with applicable parking requirements because an adequate number of parking spaces and the associated traffic aisles are not clearly designated and demarcated in compliance with the applicable parking and loading requirements of the zoning regulations.
6. The site is suitable for the expanded non-conforming facility use because there is adequate space to provide the number and size of parking spaces which would comply with the applicable parking and loading requirements of the zoning regulations.
7. The site is suitable for the expanded non-conforming facility use because there is adequate space to provide for compliant traffic circulation which would efficiently serve facility functions while meeting applicable dimensional requirements set forth in the Flathead County Zoning Regulations.
8. The proposal appears acceptable in its design because the design allows for adequate open space which may serve as a buffer between neighboring uses and may be used to accommodate parking and landscaping.
9. Lack of fencing/screening along the eastern property boundary contributes impacts to safety and non-compliance with applicable access requirements because the boundary is currently used as a non-compliant un-controlled and non-demarcated 60-foot wide dirt/gravel approach onto paved Sleepy Hollow Drive. This issue may be adequately addressed through the imposition of a condition requiring fencing/screening or landscaping along a portion of the eastern property boundary to clearly establish and demarcate compliant access for the facility.
10. Existing landscaping along the north, west, and south perimeters of the subject property creates a modest buffer between the commercial business and adjacent residential uses. While current lack of landscaping along the eastern property boundary contributes visual impacts to adjacent residential uses, establishing a landscaped buffer along that boundary would improve the appearance of the facility and would promote safety and compliant vehicular access to the facility.
11. There will be limited visual impacts resulting from signage on the proposed facility because the proposed signage will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations.
12. There will be limited visual impacts resulting from lighting of the proposed facility because the lighting will be compliant with applicable requirements set forth in the Flathead County Zoning Regulations.
13. Impacts to public services and facilities will be minimal because the facility is connected to the sewer services of the Evergreen Water and Sewer District, which has verbally indicated no concerns or outstanding issues regarding the facility.

14. Impacts to public services and facilities will be minimal because the facility is connected to the water services of the Evergreen Water and Sewer District, which has verbally indicated no concerns or outstanding issues regarding water supply for the facility.
15. Stormwater drainage appears adequately addressed because runoff resulting from the expanded facility is not anticipated to impact adjacent properties and roads as it will be managed through onsite absorption within vegetated areas and the non-paved parking/access areas.
16. Public services and facilities are adequate to serve the proposed expanded use because the subject property is in an area of the county served by the Evergreen Fire District and the Flathead County Sheriff, and has direct access onto Sleepy Hollow Road, a paved public road adequate to serve the traffic generated by the proposed expanded use.
17. There will be minimal impacts to the surrounding neighborhood as a result of the proposed facility because membership and use of the spa facility is not anticipated to increase and the facility expansion will not regularly generate excessive amounts of vehicle traffic.
18. The proposed expanded use is not anticipated to generate noise or vibration which would adversely impact the immediate neighborhood because the types of use occurring within the spa/exercise facility do not typically generate sound or vibration which is audible outside of the facility.
19. Continuance of the regular hours of operation is acceptable and would have minimal impact on the surrounding neighborhood because the operation hours are typical of daytime business operating hours and adjacent residences would not be disturbed by sounds and lights of evening vehicular traffic associated with operations of the facility.
20. Adverse neighborhood impacts due to smoke, fumes, gas or odors are not anticipated as a result of the proposed use because normal operation of the facility doesn't produce smoke, fumes, gas or odors.
21. The proposed expanded use is not anticipated to generate dust, glare, or heat which would adversely impact the immediate neighborhood because existing dirt parking surfaces would be improved with gravel, proposed structural materials won't create abnormal glare, and the pool and exercise equipment used at the facility does not generate substantial heat.

VI. RECOMMENDATION

Upon review and evaluation of this application, the request for an expanded non-conforming use (health clubs/exercise facilities) on the subject property is supported by the review criteria and 21 Findings of Fact listed above. With the imposition of mitigating conditions recommended below, Staff recommends the Flathead County Board of Adjustment adopt staff report FCU-10-16 as findings of fact and approve the conditional use permit, subject to the following 10 conditions:

VII. CONDITIONS

1. The operation of the expanded use on the subject property shall be in substantial conformance with the original application and site plan submitted and approved by the Board of Adjustment.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.
3. An approach permit shall be obtained from the Flathead County Road and Bridge Department for the existing driveway approach onto Sleepy Hollow Road, prior to operation of the expanded facility/use (FCZR Section 6.16.020(4)).
4. The parking areas and traffic aisles shall be clearly designated and demarcated, improved with gravel or paved surfaces, and shall comply with applicable design and construction standards set forth in Chapter 6 and Appendix A of the Flathead County Zoning Regulations.
5. Within designated parking areas a minimum of 11 standard vehicle parking spaces shall be clearly designated and demarcated on the subject property to accommodate traffic generated by the facility, in accordance with applicable zoning regulations (FCZR Sections 6.01.030 (Appendix A), 6.06.040, 6.11.030(2), 6.14).
6. Fencing/screening or an equally effective 5-foot wide landscape buffer inhibiting vehicular access outside of the single approved approach onto Sleepy Hollow Road shall be established along the eastern property boundary (FCZR Sections 6.14.020, 6.16.050).
7. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
8. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
9. Hours of operation for the facility shall be permitted from 7:00 AM to 6:00 PM seven days a week year round.
10. The operation of the expanded non-conforming use shall commence within one year from the date of issuance of the conditional use permit per FCZR 2.06.060.

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